

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 2-4 and 6-10. These sheets, which includes Figures 2-10, replace the original sheets including Figures 2-10. In Figures 2-4 and 6-10, previously omitted reference characters are added.

Attachments: 4 Replacement Sheets
4 Sheets Showing Changes Made

REMARKS

By the foregoing Amendment, Claims 3 and 6 and Figures 2-4 and 6-10 are amended. Entry of the Amendment, and favorable consideration thereof, is earnestly requested. Claim 2 has been previously cancelled, and Claims 3-5 and 8 have been withdrawn from consideration. As such, Claims 1, 6 and 7 are currently undergoing examination.

Figures 2-4 and 6-10 have been objected to as not containing reference characters for all elements shown therein. Figures 2-4 and 6-10 have been amended so as to show reference characters for all elements. Applicant submits that no new matter has been added, as all added reference characters were present in the specification as originally filed and were shown in Figure 1 and/or Figure 5 as originally filed.

Claims 6 and 7 stand rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement, and under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 6 has been amended in a manner which Applicant respectfully submits obviates these rejections.

Claims 1, 6 and 7 stand rejected under 35 U.S.C. 102(b) as being anticipated by WO 97/04245 (hereinafter "Lundstrom"). Applicant respectfully asks the Examiner to reconsider this rejection in view of the above Amendments and the below Remarks.

Claim 1

The Examiner's rejection of claim 1 under 35 U.S.C. §102(b) is improper because Lundstrom does not disclose each and every element recited in claim 1. Specifically, claim 1 requires, inter alia, a hydraulic piston, an electronically controlled throttle or pressure valve, a differential clutch pump that supplies hydraulic pressure to the hydraulic piston, a feeder pump, and means that conditionally allows the flow from the feeder pump past the valve.

Lundstrom is directed to a device for transmitting torque between two rotatable shafts including pistons (55-57), a clutch (12,14), a pump (35), and a throttle valve (38). (Fig. 3, page 8, l. 14-27). Applicant submits that Lundstrom does not anticipate claim 1 because Lundstrom does not disclose a means that conditionally allows the flow from the feeder pump past the valve to the hydraulic piston irrespective of the flow from the clutch pump. It is noteworthy that the present application itself discusses the embodiment shown in Lundstrom, and discusses how the above-highlighted element is an improvement thereupon because such a means claimed in this invention helps prevent lockup from stationary that occurs in Lundstrom, i.e. there is insufficient hydraulic pressure from the differential pump to engage the clutch. The outstanding Office Action does not identify where this means is located in Figure 3 but only references Figure 3 generally, and states the conclusion that "When there is no relative rotation between shafts 1 and 2, and the hydraulic system is on/operating, the flow of base pressure from the feeder pump 35 past the valve to the hydraulic piston irrespective of the flow from the clutch pump". As can be seen in Figure 3 of Lundstrom, however, the hydraulic pressure supplied to piston element 55 is supplied only through throttle valve 38. Thus, Lundstrom does not indicate that there is any means that conditionally allows the flow from the feeder pump 36 past the valve 38 to the piston element 55. The only way hydraulic pressure is supplied

to the piston elements is through valve 38. For this reason Lundstrom does not anticipate the claimed invention.

For the reasons explained above, the Lundstrom reference simply does not disclose a hydraulic piston, an electronically controlled throttle or pressure valve, a differential clutch pump that supplies hydraulic pressure to the hydraulic piston, a feeder pump, and means that conditionally allows the flow from the feeder pump past the valve. Therefore, because the Lundstrom reference does not disclose each and every element of the invention recited in claim 1, the rejection under 35 U.S.C. § 102(b) is improper.

Additionally, Applicant also notes that an alternative rejection under 35 U.S.C. § 103 would also be improper, because the invention of independent claim 1 is not rendered obvious by Lundstrom. In order for the claimed invention to be obvious over the prior art, there must be some suggestion or motivation in the reference to make the relevant modification. See, e.g., *In re Mills*, 916 F.2d 680, 682, 16 USPQ2d 1430, 1432 (Fed. Cir. 1990). There is no such suggestion in the Lundstrom reference to modify the system disclosed to include a means that conditionally allows the flow from the feeder pump past the valve to the hydraulic piston irrespective of the flow from the clutch pump. Lundstrom is directed to a hydraulic system that provides hydraulic pressure to a clutch. However, Lundstrom makes no reference towards a means or ability to conditionally allow the flow from the feeder pump past the throttle valve. In fact, the present application explicitly discusses how Lundstrom fails to address the problem of lock up from stationary. Also, Lundstrom further does not indicate that it would be desirable to address such an issue. As a result, Lundstrom does not render a

means that conditionally allows the flow from the feeder pump past the throttle or pressure valve to the hydraulic system obvious.

Claim 6

The Examiner's rejection of claim 6 under 35 U.S.C. §102(b) is improper because Lundstrom does not disclose each and every element recited in claim 6. Specifically, claim 6 adds the additional limitation that a check-valve be disposed between the feeder pump and the electrically controlled throttle or pressure valve. In citing Lundstrom the Examiner does not identify such a check-valve but merely cites Figs. 1 and 3 generally. As can be seen in Figures 1 and 3 of Lundstrom, there is simply a direct hydraulic line between pump 35 and throttle valve 38. There is no check-valve disposed between pump 35 and throttle valve 38. As result, Lundstrom does not anticipate claim 6.

Additionally, Applicant also notes that an alternative rejection under 35 U.S.C. § 103 would also be improper, because the limitation of claim 6 is not rendered obvious by Lundstrom. The embodiments shown in Figs. 1 and 3 of Lundstrom all show a check valve incorporated in hydraulic lines that either lead to or from piston elements 55-57. Lundstrom does not disclose the use of check valves in a hydraulic line that is disposed between the pump 35 and the throttle valve 38. Considering that Lundstrom only incorporates check valves in lines that lead to and from piston elements, one skilled in the art would not be motivated to dispose a check valve between a feeder pump and an electronically controlled throttle or pressure valve. Further, Lundstrom does not indicate that a check valve could be utilized in a manner different from that disclosed in Figs. 1 and 2. As a result, one skilled in the art would not be motivated to modify Lundstrom in accordance with claim 6.

Claim 7

The Examiner's rejection of claim 7 under 35 U.S.C. §102(b) is improper because Lundstrom does not disclose each and every element recited in claim 7. Specifically, claim 7 adds the additional limitation that an overflow valve be connected in parallel over the check-valve disposed between the feeder pump and the electrically controlled throttle or pressure valve. In citing Lundstrom the Examiner does not identify such a limitation but merely cites Figs. 1 and 3 generally. As noted above, Lundstrom does not disclose a check-valve disposed between the feeder pump and the electronically controlled throttle or pressure valve. Consequently Lundstrom does not disclose an overflow valve connected in parallel over the check-valve. As result, Lundstrom does not anticipate claim 7.

Additionally, Applicant also notes that an alternative rejection under 35 U.S.C. § 103 would also be improper, because the limitation of claim 7 is not rendered obvious by Lundstrom. Since Lundstrom does not disclose or indicate where to dispose a check-valve between pump 35 and throttle valve 38, it is unpredictable whether one skilled in the art would dispose such a check-valve in series with the overflow valve or in parallel. Even if one skilled in the art attempted to dispose a check-valve between pump 35 and throttle valve 38, it seems that one skilled in the art could just as easily incorporate such a check-valve at the positions marked 40 or 37 in Figure 3. Locating a check-valve in either location would be in series with overflow valve 34 and not parallel. As a result, claim 7 is not rendered obvious by Lundstrom.

In view of the above, Applicant respectfully submits that none of Claims 1, 6 or 7 are anticipated by, or obvious in view of, the cited prior art and thus are patentable over the references of record. Moreover, Applicant respectfully submits that withdrawn claims 3-5 and 8, which all depend either directly or indirectly from

Claim 1, should now be entitled to consideration, and are also patentable for the reasons set forth above.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 1 and 3-8, are in condition for allowance, and early notification of such is earnestly requested.

Respectfully submitted,

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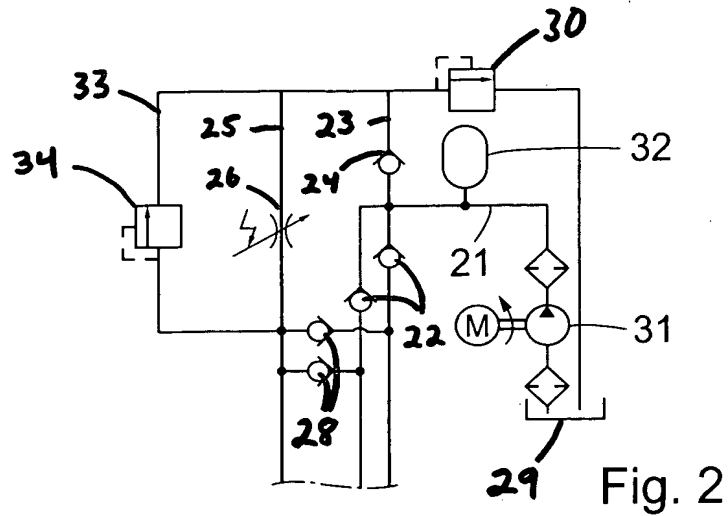


Fig. 2

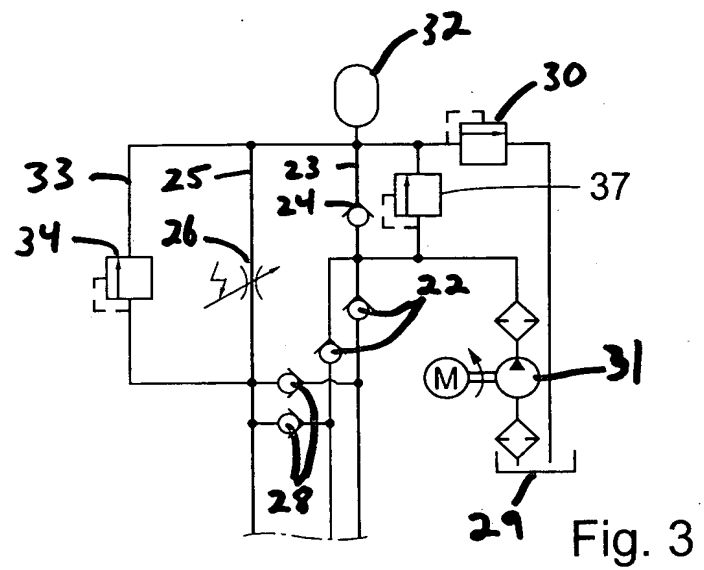


Fig. 3

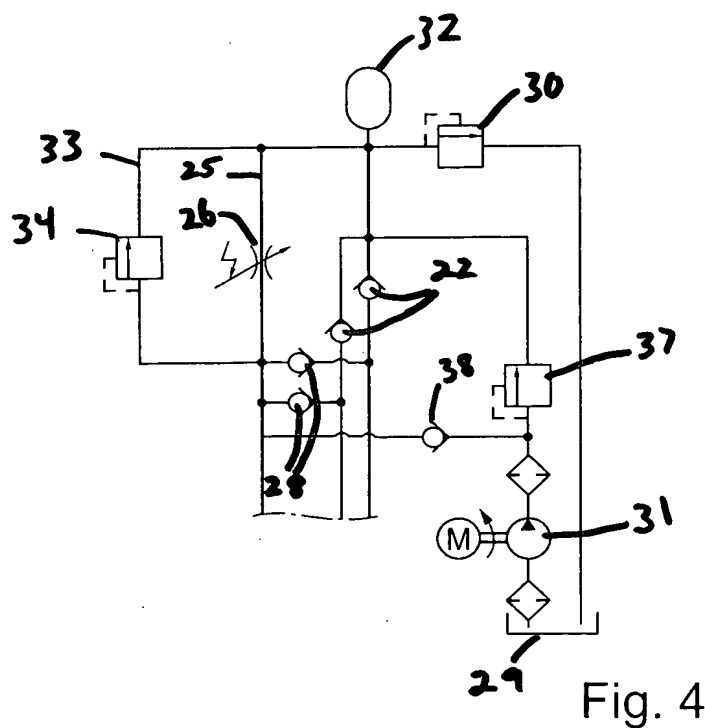


Fig. 4

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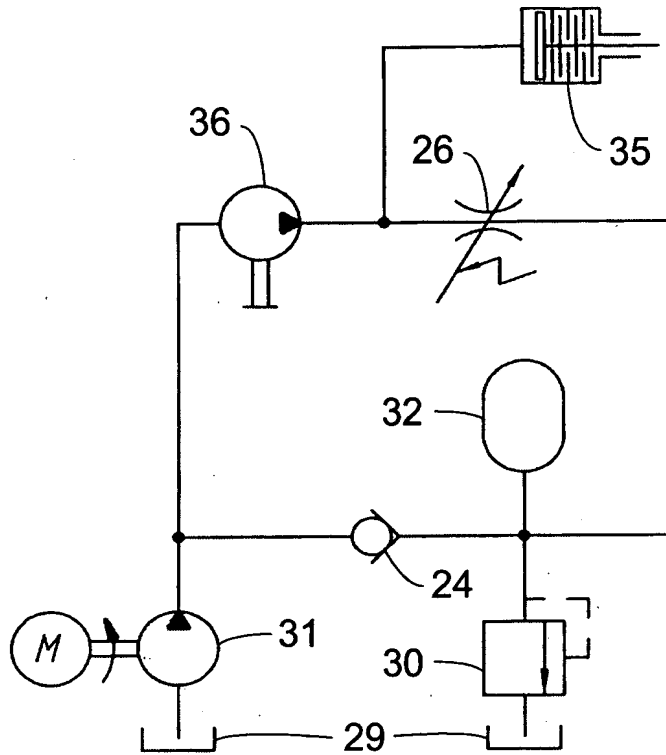


Fig. 5

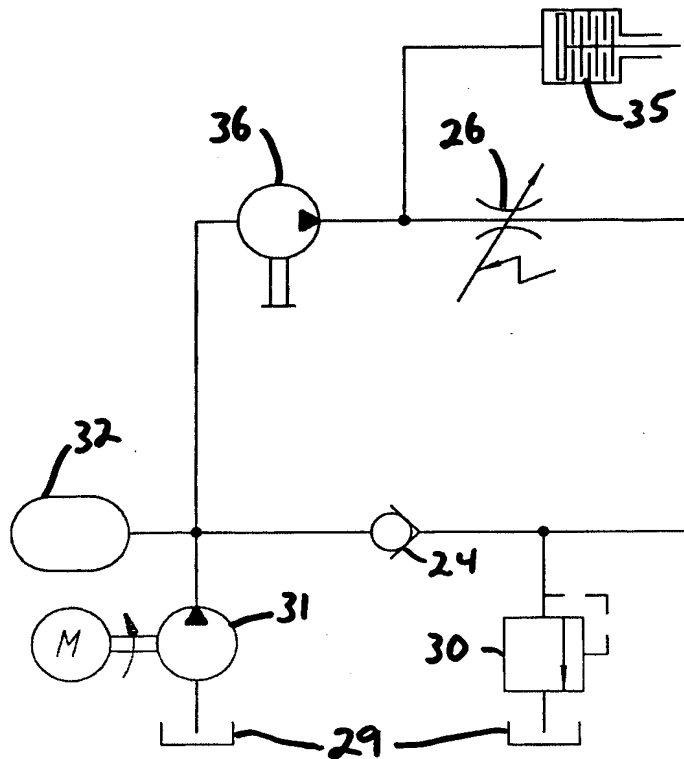


Fig. 6

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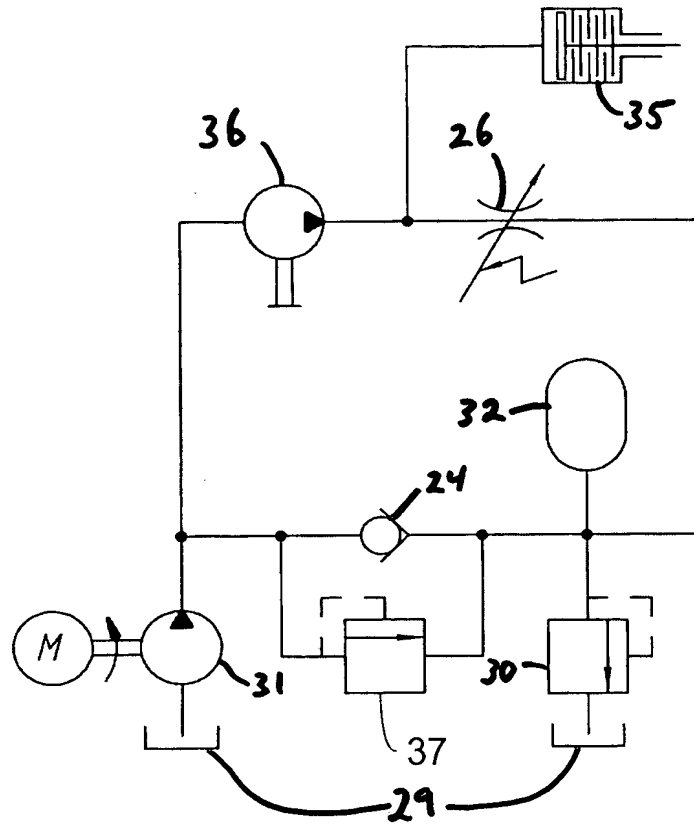


Fig. 7

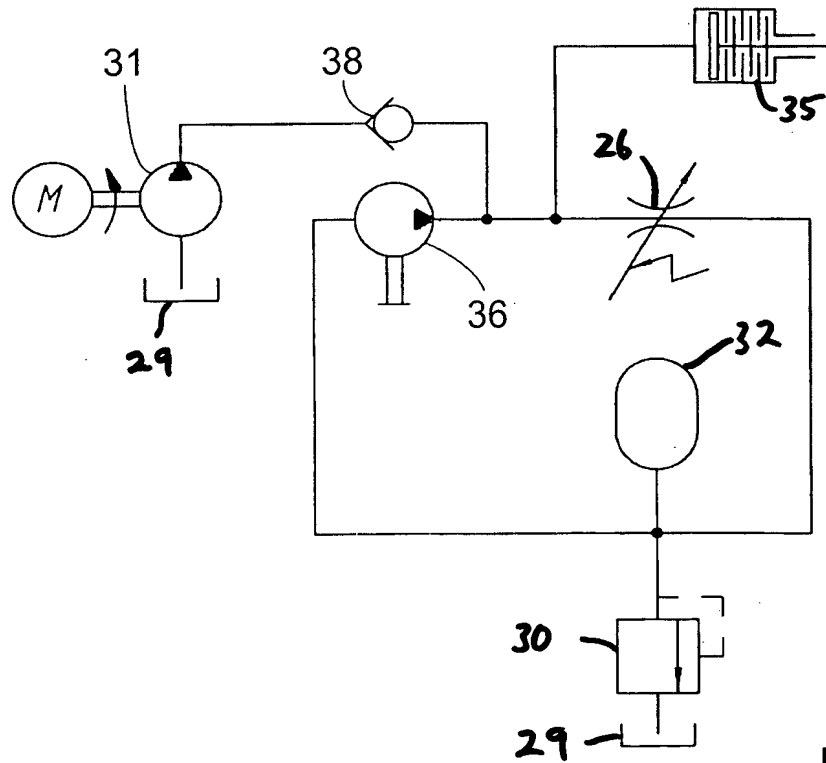


Fig. 8

